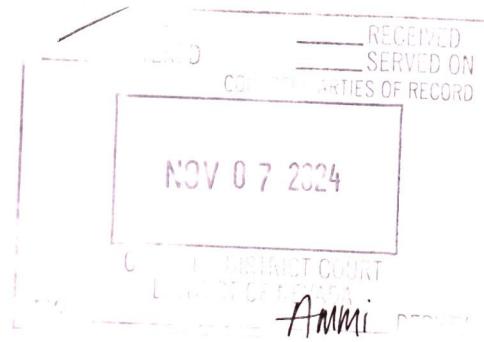


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NEVADA

LARRY BANKS

VS

ALBERTSONS DEAL & DELIVERY , et al



CIVILNO: 23-cv-01629-GMN-DJA

WRIT OF MANDAMUS

NOW COMES LARRY M. BANKS in his own proper persona sui juris and moves this honorable court as following : WRIT OF MANDAMUS TO COMPEL THE COURT TO FINALIZE THE DEFAULT JUDGMENT PURSUANT TO STATUTE , PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURES 55(a) & 55(b)(1) PLAINTIFF COMPLETE THE REQUIREMENT.PLAINIFF ALSO FILE A WRIT OF EXECUTION PURSUANT TO THE RULES TO ENFORCE DEFAULT.

STATEMENT OF FACTS

The plaintiff states he filed a civil suit in October 11,2023 and the defendants had twentyone (21) days to file there response in a timely manner .

The Defendants were served by the United States Marshal service and summons and 275 USM firms were returned .

The plaintiff waiting for over (60) days to see was the Defendant were in to answer no answers .

The plaintiff cause a motion for default to be filed by the clerk and the clerk entered default .

The judge came back and informed the plaintiff the default didn't comply with the local rules .

The plaintiff filed a Motion pursuant to the local rules and sent it in to the clerk , see Docket no 20,2, and 22 which applicable to Docket no . 18 .

The judge and the clerk of the court are bias and not follow the judges pursuant to Rule 55(a) & Rule 55(b)(1) and has subject the plaintiff to no remedy at all in this forum and my default is just in stand by in violation of the plaintiff due process and equal protection of the law.

The plaintiff states a Writ of Mandamus is a Remedy to get a court to enforce a administrative remedy that afforded to a plaintiff or defendant.

In this case the plaintiff is unable to enforce his judgment.

The plaintiff moved for the presiding judge to hear my Notice of Motion November 3, 2024 . It was clear in language who the plaintiff was asking to hear the case, presiding judge not magistrate .

The Magistrate judge with no authority to answer the motion interpreted my motion and denied it because it was premature. [Take judicial notice] .

The Magistrate judge didn't have any authority to rule on my motion .

See Docket no: 25 & 26 the judge didn't even read the motion because if he would have he would have acknowledged the presiding judge said I complete all the stages and the court would rule on the Docket no. 18 which the Docket no. 20,21,22 & 24 are the Motions that were filed .

The clerk of the court violated federal rules of civil procedure on docket no. 24 by removing the default which compelled the court under the local rules .

The plaintiff states there is a conspiracy of silence going on in this forum and the courts are not answering the default trying to give the defendant time to answer the default .

The defendants had (20) days already (90) days with no answer .

The plaintiff states as a matter of rights he has the right to enforce the Default judgment and get relief sought in the prayers for relief .

The plaintiff states a writ of Mandamus can be appealed to a higher court to enforce the administrative procedure, so if this court denies the Writ of mandamus the plaintiff is seeking to file an appeal seeking review of the lower court's findings .

Attached to this motion is a sworn affidavit addressing the issues and swearing under oath this writ is true and correct .

The clerk had the notice of motion but didn't docket the notice of motion correctly with the presiding judge on the notice so the Magistrate judge ruled .

The plaintiff states he would like the court to take judicial notice of the docket and review the entire file and the court will see the clerk's entry are not wants on the notice of motion .

The clerk has violated the plaintiff due process rights and equal protection rights .

Plaintiff moves for this court to enter the Writ of mandamus and enforce the Motion for default under federal rules of civil procedure, 55(b)(1) and finalized the default it been over 50 days on defendants lack of pleading or answering in accordance with the rules

WHEREFORE

plaintiff moves this court to issue the writ of mandamus and compel the court to finalize the default judgment.

Or allow the plaintiff to filed and appeal to the circuit to enforce tos remedy by law (interculgatory appeal)

RESPECTFULLY SUBMITTED

LARRY BANKS

11/2/22

A handwritten signature in black ink, appearing to read "LARRY BANKS". It is written in a cursive style with a large, stylized initial letter.

Harry M. Davis
1063 West Columbia Ave
Chicago IL 60626

LARRY MR. BANKS
(222) 428-6031
THE UPS STORE #5757
125 D W HOWARD ST
CHICAGO IL 60626-1626

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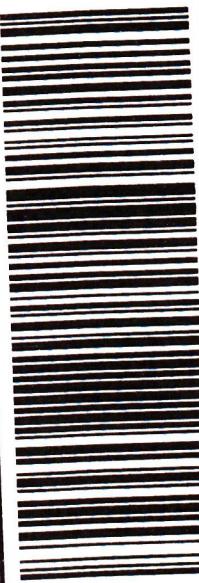
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